

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

VINCENTE PEREZ-GALLARDO,

Defendant.

NO. CR-04-2170-LRS

**ORDER DENYING MOTION FOR  
JUDGMENT OF ACQUITTAL;  
GRANTING MOTION FOR NEW TRIAL**

**BEFORE THE COURT** are Defendant's Motion for Judgment of Acquittal (Ct. Rec. 72) filed April 26, 2005 after the Court declared a mistrial due to a hung jury. Also before the Court is the Government's Motion for New Trial made orally at a hearing on May 5, 2005. This Order is entered to memorialize and supplement the oral ruling of the Court on May 5, 2005.

**IT IS HEREBY ORDERED:**

1. For the reasons stated orally on the record, Defendant's Motion for Judgment of Acquittal (Ct. Rec. 72) is **DENIED**.

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2. The Government's oral Motion for New Trial is **GRANTED**.

3. A jury trial shall commence on **Wednesday, June 1, 2005 at 9:00 a.m.** in **Yakima, Washington.** Counsel shall meet with the Court in Chambers at 8:30 a.m. on the day of trial.

4. A **Pretrial Conference** will be held on **May 19, 2005 at 11:15 a.m.** in Yakima, Washington.

**IT IS SO ORDERED.** The District Court Executive is directed to file this Order and provide copies to the parties, provide copies to all counsel, the U.S. Probation Office, the U.S. Marshal, and the Jury Administrator.

DATED this 6<sup>th</sup> day of May, 2005.

*s/Lonny R. Suko*

LONNY R. SUKO  
United States District Judge